

REMARKS

Applicants hereby elect with traverse the prosecution of Group II, device claims 22-40. Non-elected claims 1-21 have been withdrawn from further consideration by the Examiner. The restriction requirement is further respectfully traversed for the following reasons. While the Examiner contended that "in the instant case, the product as claimed can be made by another and materially different process wherein a sacrificial gate pattern is formed and the gate is provided therein without gate patterning", the Applicants respectfully submit such process steps would not be possible in the present invention fabrication method which requires the formation of a first gate electrode layer and then patterning the layer into a gate.

The restriction requirement is therefore respectfully traversed. The examination of Group II, claims 22-40, together with the examination of Group I claims 1-21, is respectfully requested of the Examiner.

Respectfully submitted,

Randy W. Tung
Reg. No. 31,311